

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

May 3, 2018

A meeting of the Manistee City Planning Commission was held on Thursday, May 3, 2018 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Wittlieff

ROLL CALL

Members Present: Maureen Barry, Marlene McBride, Bob Slawinski, Michael Szymanski, Rochelle Thomas, Mark Wittlieff, Roger Yoder

Members Absent: None

Others: Kurt Thomas (1150 Chickadee Lane, Frankfort), Thomas Amor Sr. (12493 Hopkins Forest Drive, Bear Lake), Gini Pelton (329 First Avenue), Brandon Gardner (250 Monroe Ave NW, Suite 400, Grand Rapids), Nick Casebolt (4837 Williams Street, Montague), Ken Cabot (1002 Manistee Street), Joyce Reed (177 Eighth Street), Denise Blakeslee (Planning & Zoning Director), Kelly McColl (Recording Secretary) and others

APPROVAL OF AGENDA

Motion by Bob Slawinski, seconded by Roger Yoder that the agenda be approved as prepared.

With a Roll Call vote this motion passed 7 to 0.

Yes: Barry, Thomas, Slawinski, Yoder, Szymanski, McBride, Wittlieff
No: None

APPROVAL OF MINUTES

Motion by Bob Slawinski, seconded by Rochelle Thomas that the minutes of the April 5, 2018 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 7 to 0.

Yes: Yoder, Thomas, Slawinski, Barry, Szymanski, McBride, Wittlieff
No: None

PUBLIC HEARING

PC-2018-02 FiveCAP, Inc. 265 First Street – Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site

A request has been received from FiveCAP, Inc. to add a modular class room to their facility at 265 First Street. The change in the site plan requires a Special Use Permit for Mixed Use including Professional Office and Educational Facility.

Chair Wittlieff opened the Public Hearing at 7:02 pm

Kurt Thomas spoke to the commission on behalf of the applicant. They are requesting to install a modular classroom on site as shown on the site plan. They have address water runoff and are making upgrades to the site. This is a new program they are offering for child care and are asking for approval from the Commission. Discussion with the commission included current number of children (20), how many new children (16), and the playground will be expanded and the children will be separated by age group; they have made application to the state for all necessary permits.

Denise Blakeslee, Planning and Zoning Director presented her report to the commission. The new zoning ordinance was adopted in 2006. The current FiveCAP facility at 265 First Street was developed prior to the adoption of the new ordinance. Sections 408 and 2208.E of the ordinance require the application to submit a Special Use permit for the addition of the modular classroom.

The request meets the zoning requirements and Public Safety/Fire Department, DPW and City Engineer have signed off on the request.

Staff had recommended a condition be placed on the permit that the parcels be combined. A Parcel Combination request was received after the packets had been prepared. So the condition is not needed.

No Correspondence was received in response to the request.

Chair Wittlieff opened the hearing for public comments

No public comments.

There being no comments from the public in attendance, Chair Wittlieff closed the public hearing at 7:10 pm.

PC-2018-03 Thomas Amor Sr., 303 Fifth Street – Special Use Permit for a Duplex

A request has been received from Thomas Amor Sr., 303 Fifth Street for a Special Use Permit for a Duplex. On March 22, 2018 the Zoning Board of Appeals granted two variances to Mr. Amor. With the variances granted Mr. Amor can proceed with his request for a Special Use Permit for a Duplex.

Since that time Mr. Amor purchased the north 2,196.65 feet of the parking lot from Good Shepherd

Lutheran Church and obtained the necessary variances from the Zoning Board of Appeals on March 22, 2018.

- Parcel #51-664-703-01 (303 Fifth Street) be granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex.
- Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet (existing frontage).

Chair Wittlief opened the Public Hearing at 7:11 pm

Thomas Amor Sr. presented his request to the commission. He purchased the home converted it into a duplex and felt he was doing everything correctly and found out that there was an issue with zoning. He applied for a variance from the ZBA and was denied, came back after obtaining more property, received the variances and is here to request a special use permit for a duplex. The lots were established before the city was incorporated and he remodeled the home as if he were to live in it and tried to do a first class job. Spoke of the housing needs meeting and the need for more rentals in the community, the lack of good rentals is the biggest barrier to development. The home had the appearance of a duplex when he purchased it and understands that he should have come in ahead of time. He granted the church an easement for use of the parking lot and has sufficient parking for his tenants. Discussion by the commissioners included the need to verify zoning before doing projects.

Denise Blakeslee, Planning and Zoning Director presented her report to the commission. Mr. Amor purchased the house at 303 Fifth Street in 2015 and renovated it into a Duplex. When the new zoning ordinance was adopted in 2006 the frontage and parcel area requirements for a duplex were increased to 80 feet of frontage and 10,000 square feet of parcel area. The property that Mr. Amor purchased did not meet the requirements.

In December 2015 Mr. Amor applied for and was denied the variances needed to apply for a Special Use Permit for a Duplex.

With the variances granted Mr. Amor can proceed with his request for a Special Use Permit for a Duplex. If the commission wishes to approve the request staff requests that the following condition be placed on the permit.

- 1. The Parcel Split and Combination request be approved by City Council before the Special Use Permit is issued.***

The Parcel Split and Combination request is on this evening's agenda under new business.

No Correspondence was received in response to the request.

Chair Wittlief opened the hearing for public comments

Gini Pelton, 329 First Avenue – Has worked with rentals since 2013 and has been a realtor for 16 years. There is a housing crisis in Manistee. Mr. Amor misunderstood the zoning, she personally feels the zoning is too restrictive. Spoke of a house that had to be sold as a single family home instead of a duplex because of the ordinance and the value of the house was decreased by \$38,000. Mr. Amor's is one of the nicest units in town and will get premium rental rates and the two car garage is an added bonus. Please approve the request, the city needs this unit, we should be applauding his effort and supporting him.

There being no additional comments from the public in attendance, Chair Wittlieff closed the public hearing at 7:29 pm.

PC-2018-05 Lakeside Cultivation LLC (David and Nicholas Casebolt), 160 Tenth Street – Marihuana Facility (Marihuana Grower)

A request has been received from Lakeside Cultivation LLC (David and Nicholas Casebolt) for a Special Use Permit for a Marihuana Facility (Marihuana Grower) at 160 Tenth Street.

Chair Wittlieff opened the Public Hearing at 7:30pm

Brandon Gardner, Attorney for the applicant spoke to the commission. This will be a family run business and they are looking at a class A license (500 plants) to start and may want to expand in the future. He spoke of the new state laws relating to medical marihuana and the current process. Spoke of the setbacks from churches and schools, impact on law enforcement and about permits from the State, inspections from the State for odor, the benefit to the community, revenue, the opioid crisis, helping people who are sick, reduction in medications for patients, and that is a cheaper alternative than some medications.

Discussion with the Commission included what benefits to the community would be; 6 full time employees, CPA's are used for tracking system, local contractors for renovations, family business, and secure transporters will be needed to move the product. The State will collect fees and how some money will be returned to the County, City, Sheriff, and State Police. This is a new, evolving process and bulletins are coming from the State all the time to clarify the process. There are about a dozen applications that have made it through the state so far. How licenses can be stacked for future expansion. Growing takes 4-6 months before there is a product they can sell to. They have been working on this for two years; want to be located on the west side of the state, only a limited number of communities have opted to permit facilities. The transfer of product is done inside the building. They will be in the building 6-8 hours a day. Security is 24/7 with the State of Michigan having access via cameras inside and outside the building. How they will clone the plants and the cloning process. This is a closed facility; there will not be access to the public. They have a purchase agreement on the property. There will not be any water runoff to adjoining properties.

Nick Casebolt, 4837 Williams Street, Montague reviewed a PowerPoint with the commission that covered many of the items that were previously discussed.

Denise Blakeslee, Planning and Zoning Director presented her report to the commission. The Site plan meets the zoning requirements. If the commission were to approve the request there are several conditions that staff is recommending be included in the resolution.

When working on the Resolution to approve staff noted that Section 1851.1.b reads:

- b. At the time of application for a special use permit the marihuana facility must be licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.

After discussing the matter with the City Attorney the following condition was drafted:

- ***The Special Use Permit will be void in the event that the applicant is unable to be licensed by the State of Michigan.***

When the project was reviewed by Public Safety/Fire recommends that the following conditions be placed if the Commission wishes to approve the permit:

- ***The gas meter needs protection from cars by the installation of poles (bollards).***
- ***The shrubbery and wood between the tracks and the building needs to be cleaned up.***
- ***A knox box will need to be installed.***
- ***The Fire Department reserves the right to inspect and approve the building and its components.***
- ***The Fire Department needs access to the back of the building by either a drive, off the alley, to the back of the building with a gate, or a similar setup coming off the front. The drive would need to be maintained and accessible. The key for the gate could be in the knox box.***

Chair Wittlieff asked that the condition for cameras be expanded. Additional language was added for it to read:

- ***Cameras are to be on all four sides of the building to cover all of the grounds. This may require more than one camera per side as there is a lot of area. The Police Department shall have final approval of the height and installation of the cameras and can add cameras as necessary.***
- ***Exterior lighting is to be installed on all four sides of the building. All should be activated by dusk, not by motion. Lighting is to comply with Section 525 of the Zoning Ordinance.***
- ***A security system is to be installed. Public Safety will review the proposed system prior to installation and inspect the system after installation.***

Staff also recommends that the following conditions included:

- ***The odor control system will be installed and shall include an activated carbon canister type system for exhaust air leaving the building. The City Engineer will have final review and approval of the system to ensure the proposed system filters are sized properly for the proposed air flow rates. However, upon operation, the owner will have to verify odors are not leaving the site and will be responsible to upgrade the system, if determined necessary, to reduce odors to an acceptable level.***

- ***Any concerns or outstanding items relating to the request by the City Engineer, DPW Director or Public Safety shall be address before the Special Use Permit can be issued and an updated set of plans be provided for the files.***

No Correspondence was received in response to the request.

Chair Wittlieff opened the hearing for public comments

Ken Cabot, 1002 Manistee Street – Mr. Cabot has lived in the area for 40 years. He expressed concerns about the young people who are walking around the neighborhood, does not feel the neighborhood is stable enough for this facility, there is a drug rehabilitation facility one block away, what message is this sending to our young people. He has concerns about noise and how their systems will be running 24 hours a day, problems with the alley and dust. He does not want the area lit up by lighting from the facility and spoke of the opioid epidemic. Why entertain this idea?

Joyce Reed, 177 Eighth Street – Spoke of the Mayor and Mayor Pro Tem speaking at the Senior Center about Medical Marihuana Facilities. She feels this process is going too fast. Asked about the process, spoke about noise, lighting, air quality, truck traffic, how many license are available in the city.

Discussion with the applicant after public comments included noise abatement measures that can be used to address the concerns; lighting will be in compliance with the ordinance and will not intrude off site, they only anticipate one pickup of product a month.

There being no additional comments from the public in attendance, Chair Wittlieff closed the public hearing at 8:33 pm

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

PC-218-02 FiveCAP, Inc. 265 First Street – Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site.

A public hearing was held earlier in response to the request from FiveCAP, Inc. to add a modular class room to their facility at 265 First Street. The change in the site plan requires a Special Use Permit for Mixed Use including Professional Office and Educational Facility.

MOTION by Michael Szymanski, seconded by Rochelle Thomas to adopt a resolution to approve the request from FiveCAP, Inc. for a Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site as submitted with their application and site plan prepared by Dingens Architect Project #37-17C.

With a Roll Call vote this motion passed 7 to 0.

Yes: McBride, Slawinski, Szymanski, Barry, Thomas, Yoder, Wittlieff

No: None

PC-2018-03 Thomas Amor Sr., 303 Fifth Street – Special Use Permit for a Duplex

A public hearing was held earlier in response to the request from Thomas Amor Sr., 303 Fifth Street for a Special Use Permit for a Duplex.

MOTION by Bob Slawinski, seconded by Michael Szymanski to adopt a resolution to approve with conditions the request from request from Thomas Amor Sr., 303 Fifth Street for a Special Use Permit for a Duplex.

- ***The Parcel Split and Combination request be approved by City Council before the Special Use Permit is issued.***

With a Roll Call vote this motion passed 7 to 0.

Yes: McBride, Slawinski, Szymanski, Barry, Yoder, Thomas, Wittlieff
No: None

PC-2018-04 Thomas Amor Sr. and Good Shepherd Lutheran Church – Parcel Split and Combination Request

A request has been received from Thomas Amor Sr. and Good Shepherd Lutheran Church for a Parcel Split and Combination. Mr. Amor has purchased the 2,196.65 square feet of the parking lot from Good Shepherd Lutheran Church. On March 22, 2018 Mr. Amor received the necessary variances from the Zoning Board of Appeals for a Parcel Split and Combination that will combine the north 2,196.65 feet from the parking lot (51-664-703-07) with 303 Fifth Street (51-664-703-01) as shown on the survey prepared by the Spicer Group Job #124374SG017.

MOTION by Bob Slawinski, seconded by Maureen Barry to make a recommendation to City Council to approve the request from Thomas Amor Sr. and Good Shepherd Lutheran Church for a Parcel Split and Combination that will combine the north 2,196.65 square feet from the parking lot (51-664-703-07) with 303 Fifth Street (51-664-703-01) as shown on the survey prepared by the Spicer Group Job #124374SG017.

With a Roll Call vote this motion passed 7 to 0.

Yes: Thomas, McBride, Slawinski, Szymanski, Barry, Yoder, Wittlieff
No: None

PC-2018-05 Lakeside Cultivation LLC (David and Nicholas Casebolt), 160 Tenth Street – Marihuana Facility (Marihuana Grower)

A public hearing was held earlier in response to the request from Lakeside Cultivation LLC (David and

Nicholas Casebolt) for a Special Use Permit for a Marihuana Facility (Marihuana Grower) at 160 Tenth Street.

MOTION by Rochelle Thomas, seconded by Roger Yoder to adopt a resolution to approve with conditions the request from request from Lakeside Cultivation LLC (David and Nicholas Casebolt) for a Special Use Permit for a Marihuana Facility (Marihuana Grower) at 160 Tenth Street.

- ***The Special Use Permit will be void in the event that the applicant is unable to be licensed by the State of Michigan.***
- ***The gas meter needs protection from cars by the installation of poles (bollards).***
- ***The shrubbery and wood between the tracks and the building needs to be cleaned up.***
- ***A knox box will need to be installed.***
- ***The Fire Department reserves the right to inspect and approve the building and its components.***
- ***The Fire Department needs access to the back of the building by either a drive, off the alley, to the back of the building with a gate, or a similar setup coming off the front. The drive would need to be maintained and accessible. The key for the gate could be in the knox box.***
- ***Cameras are to be on all four sides of the building to cover all of the grounds. This may require more than one camera per side as there is a lot of area. The Police Department shall have final approval of the height and installation of the cameras and can add cameras as necessary.***
- ***Exterior lighting is to be installed on all four sides of the building. All should be activated by dusk, not by motion. Lighting is to comply with Section 525 of the Zoning Ordinance.***
- ***A security system is to be installed. Public Safety will review the proposed system prior to installation and inspect the system after installation.***
- ***The odor control system will be installed and shall include an activated carbon canister type system for exhaust air leaving the building. The City Engineer will have final review and approval of the system to ensure the proposed system filters are sized properly for the proposed air flow rates. However, upon operation, the owner will have to verify odors are not leaving the site and will be responsible to upgrade the system, if determined necessary, to reduce odors to an acceptable level.***
- ***Any concerns or outstanding items relating to the request by the City Engineer, DPW Director or Public Safety shall be address before the Special Use Permit can be issued and an updated set of plans be provided for the files.***

With a Roll Call vote this motion passed 7 to 0.

Yes: Slawinski, Szymanski, Barry, Yoder, Thomas, McBride, Wittlieff
No: None

Commissioners discussed the process, new opportunities, how the State and Federal Laws differ regarding Marihuana.

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

Commissioners were invited to the DDA presentation on May 14th.

STAFF REPORTS

Denise Blakeslee, Planning & Zoning Director – Asked if any commissioners wanted her to schedule webinar training at City Hall.

MEMBERS DISCUSSION

Commissioner Yoder asked about fencing at the storage facility on Twelfth Street.

The next regular meeting of the Planning Commission will be held on Thursday, June 7, 2018.

ADJOURNMENT

Motion by Roger Yoder, seconded by Bob Slawinski that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 8:49 pm

MANISTEE PLANNING COMMISSION

Kelly McColl, Recording Secretary